

REMARKS

In the Office Action mailed July 15, 2004, the Examiner rejected Claims 1-36. Applicants appreciate the Examiner's consideration of the Application but believe all pending claims are allowable over the prior art of record without amendment. Accordingly, Applicants respectfully request favorable action in this case.

Information Disclosure Statement

It appears that the Examiner did not consider the U.S. patent documents submitted with the Information Disclosure Statement filed April 25, 2001. Applicants resubmit this Information Disclosure Statement for the Examiner's consideration.

Drawings / Specification

The Examiner objected to the drawings as failing to comply with 37 C.F.R. § 1.84(p)(5) because the drawings include reference numeral "240" which is not mentioned in the specification. The specification misidentified step 240 in Figure 5C, and Applicants have amended the specification to correct this error. Because the amendment merely corrects a typographical error in identifying a reference numeral in a figure, the amendment does not add any new matter. With this amendment, the specification correctly identifies reference numeral "240," and the drawings comply with 37 C.F.R. § 1.84(p)(5).

Claim Rejections - 35 U.S.C. § 102

In the Office Action, the Examiner rejected to Claims 1-36 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,477,572 issued to Elderton et al. ("Elderton").

Independent Claim 1 and Dependent Claims 2-10

Independent Claim 1 recites:

A system for modeling communication networks, comprising:

a memory operable to store configuration data for a plurality of network types, the configuration data associating each network type with components, connections, and rules for connecting the components using the connections;

a processing module coupled to the memory and operable to allow a user to select one of the network types and to design a communication network using the components and connections associated with the selected network type according to the configuration data.

Elderton does not anticipate the system of Claim 1. First, *Elderton* does not disclose, teach, or suggest “a memory operable to store configuration data for a plurality of network types, the configuration data associating each network type with components, connections, and rules for connecting the components using the connections,” as recited in Claim 1. While *Elderton* describes a “map” of a network as a set of symbols representing network objects and connections, *Elderton* does not describe “stor[ing] configuration data for a plurality of network types,” and *Elderton* does not describe “configuration data associating each network type with components, connections, and rules for connecting the components using the connections.” The portion of *Elderton* cited by the Examiner does not distinguish between different network types, much less indicate that the system described in *Elderton* associates each of a plurality of network types with components, connections, and rules for connecting the components using the connections.

In addition, *Elderton* does not disclose, teach, or suggest “a processing module . . . operable to allow a user to select one of the network types and to design a communication network using the components and connections associated with the selected network type according to the configuration data,” as recited in Claim 1. *Elderton* allows a user to select a given “attribute” and an “attribute value,” but an “attribute” is not a network type. According to *Elderton*, an “attribute” is a characteristic of a node as opposed to a network type: “An ‘attribute’ is a given characteristic of the node that is useful in facilitating a network management operation, e.g., a software deployment.” (Col. 6, ll. 18-21). Furthermore, the invention of *Elderton* uses the “attribute” to group a set of nodes or objects that have a common attribute or attribute value. (Col. 6, ll. 30-34). *Elderton* does not describe allowing

a user to design a communication network using components and connections associated with the selected "attribute."

For at least these reasons, *Elderton* do not anticipate the system of Claim 1. Accordingly, Applicants respectfully request reconsideration and allowance of independent Claims 1, as well as dependent Claims 2-10 which depend from Claim 1.

Independent Claim 11 and Dependent Claims 12-20

Independent Claim 11 recites:

A method of modeling communication networks, comprising:

storing configuration data for a plurality of network types, the configuration data associating each network type with components, connections, and rules for connecting the components using the connections;

receiving a user selection for one of the network types;
and

designing a communication network using the components and connections associated with the selected network type according to the configuration data.

Elderton does not anticipate the method of Claim 11. First, *Elderton* does not disclose, teach, or suggest "storing configuration data for a plurality of network types, the configuration data associating each network type with components, connections, and rules for connecting the components using the connections," as recited in Claim 11. As pointed out above with reference to Claim 1, *Elderton* does not describe "storing configuration data for a plurality of network types," and *Elderton* does not describe "configuration data associating each network type with components, connections, and rules for connecting the components using the connections." The portion of *Elderton* cited by the Examiner does not distinguish between different network types, much less indicate that the method described in *Elderton* associates each of a plurality of network types with components, connections, and rules for connecting the components using the connections.

In addition, *Elderton* does not disclose, teach, or suggest "receiving a user selection for one of the network types," as recited in Claim 11. *Elderton* allows a user to select a given "attribute" and an "attribute value," but as pointed out above with reference to Claim 1, an "attribute" is not a network type.

Furthermore, *Elderton* does not disclose, teach, or suggest “designing a communication network using the components and connections associated with the selected network type according to the configuration data,” as recited in Claim 11. *Elderton* describes using the user selected “attribute” to group a set of nodes or objects that have a common attribute or attribute value. (Col. 6, ll. 30-34). *Elderton* does not describe designing a communication network using components and connections associated with the selected “attribute.”

For at least these reasons, *Elderton* do not anticipate the method of Claim 11. Accordingly, Applicants respectfully request reconsideration and allowance of independent Claims 11, as well as dependent Claims 12-20 which depend from Claim 11.

Independent Claim 21 and Dependent Claims 22-30

Independent Claim 21 recites:

Network modeling software embodied in a computer-readable medium and operable to perform the following steps:

storing configuration data for a plurality of network types, the configuration data associating each network type with components, connections, and rules for connecting the components using the connections;

receiving a user selection for one of the network types;
and

designing a communication network using the components and connections associated with the selected network type according to the configuration data.

Elderton does not anticipate the network modeling software of Claim 21. First, *Elderton* does not disclose, teach, or suggest “storing configuration data for a plurality of network types, the configuration data associating each network type with components, connections, and rules for connecting the components using the connections,” as recited in Claim 21. As pointed out above with reference to Claim 1, *Elderton* does not describe “storing configuration data for a plurality of network types,” and *Elderton* does not describe “configuration data associating each network type with components, connections, and rules for connecting the components using the connections.” The portion of *Elderton* cited by the Examiner does not distinguish between different network types, much less indicate that the method described in *Elderton* associates each of a plurality of network types with components, connections, and rules for connecting the components using the connections.

In addition, *Elderton* does not disclose, teach, or suggest “receiving a user selection for one of the network types,” as recited in Claim 21. *Elderton* allows a user to select a given “attribute” and an “attribute value,” but as pointed out above with reference to Claim 1, an “attribute” is not a network type.

Furthermore, *Elderton* does not disclose, teach, or suggest “designing a communication network using the components and connections associated with the selected network type according to the configuration data,” as recited in Claim 21. *Elderton* describes using the user selected “attribute” to group a set of nodes or objects that have a common attribute or attribute value. (Col. 6, ll. 30-34). *Elderton* does not describe designing a communication network using components and connections associated with the selected “attribute.”

For at least these reasons, *Elderton* do not anticipate the method of Claim 21. Accordingly, Applicants respectfully request reconsideration and allowance of independent Claims 21, as well as dependent Claims 22-30 which depend from Claim 22.

Independent Claim 31 and Dependent Claims 32-33

Independent Claim 31 recites:

A system for modeling communication networks, comprising:

a memory operable to store first configuration data for a first network type and second configuration data for a second network type; and

a processing module coupled to the memory and operable to determine whether a first mode operation corresponding to the first network type is activated and to model a communication network of the first network type using the first configuration data if the first mode of operation is activated, the processing module further operable to determine whether a second mode of operation corresponding to the second network type is activated and to model a communication network of the second network type using the second configuration data if the second mode of operation is activated.

Elderton does not anticipate the system of Claim 31. First, *Elderton* does not disclose, teach, or suggest “a memory operable to store first configuration data for a first network type and second configuration data for a second network type,” as recited in Claim

31. As pointed out above with reference to Claim 1, the portion of *Elderton* cited by the Examiner does not distinguish between different network types, much less indicate that the system described in *Elderton* associates different configuration data with different network types.

In addition, *Elderton* does not disclose, teach, or suggest “a processing module coupled to the memory and operable to determine whether a first mode operation corresponding to the first network type is activated and to model a communication network of the first network type using the first configuration data if the first mode of operation is activated, the processing module further operable to determine whether a second mode of operation corresponding to the second network type is activated and to model a communication network of the second network type using the second configuration data if the second mode of operation is activated,” as recited in Claim 31. *Elderton* does not describe different network types or different modes of operation associated with different network types. In addition, *Elderton* does not describe determining whether a particular mode of operation is activated and, if the mode of operation is activated, modeling a communication network of a network type associated with the mode of operation.

For at least these reasons, *Elderton* do not anticipate the method of Claim 31. Accordingly, Applicants respectfully request reconsideration and allowance of independent Claims 31, as well as dependent Claims 32-33 which depend from Claim 31.

Independent Claim 34 and Dependent Claims 35-36

Independent Claim 34 recites:

A method for modeling communication networks,
comprising:

storing first configuration data for a first network type;

storing second configuration data for a second network
type;

determining whether a first mode operation
corresponding to the first network type is activated;

modeling a communication network of the first network
type using the first configuration data if the first mode of
operation is activated;

determine whether a second mode of operation
corresponding to the second network type is activated; and

modeling a communication network of the second network type using the second configuration data if the second mode of operation is activated

Elderton does not anticipate the method of Claim 34. First, *Elderton* does not disclose, teach, or suggest “storing first configuration data for a first network type” and “storing second configuration data for a second network type,” as recited in Claim 34. As pointed out above with reference to Claim 1, the portion of *Elderton* cited by the Examiner does not distinguish between different network types, much less indicate that the method described in *Elderton* associates different configuration data with different network types.

In addition, *Elderton* does not disclose, teach, or suggest “determining whether a first mode operation corresponding to the first network type is activated;” “modeling a communication network of the first network type using the first configuration data if the first mode of operation is activated;” “determine whether a second mode of operation corresponding to the second network type is activated;” and “modeling a communication network of the second network type using the second configuration data if the second mode of operation is activated,” as recited in Claim 34. *Elderton* does not describe different network types or different modes of operation associated with different network types. In addition, *Elderton* does not describe determining whether a particular mode of operation is activated and, if the mode of operation is activated, modeling a communication network of a network type associated with the mode of operation.

For at least these reasons, *Elderton* do not anticipate the method of Claim 34. Accordingly, Applicants respectfully request reconsideration and allowance of independent Claims 34, as well as dependent Claims 35-36 which depend from Claim 31.

Conclusion

Applicants have made an earnest attempt to place this Application in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request reconsideration and full allowance of all pending claims.

If the Examiner feels that a telephone conference would advance prosecution of this Application in any manner, the Examiner is invited to contact Jeffery D. Baxter, Attorney for Applicants, at the Examiner's convenience at (214) 953-6791.

Applicants believe no fee is due. However, the Commissioner is hereby authorized to charge any fees or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,
BAKER BOTTS L.L.P.
Attorneys for Applicants



Jeffery D. Baxter
Reg. No. 45,560

CORRESPONDENCE ADDRESS:

Customer No.:

05073

Date: October 15, 2004



The "Received" stamp of the Patent and Trademark Office imprinted hereon acknowledges the filing of:

- | | |
|--|--|
| <input type="checkbox"/> Circle One:
New Appl.; C.P.A.; Con.; CIP.; DIV.;
Provisional; Converted Provisional | <input type="checkbox"/> EXTENSION OF TIME MTHS _____ |
| <input type="checkbox"/> DECLARATION/POWER OF ATTORNEY | <input type="checkbox"/> NOTICE OF APPEAL _____ |
| <input type="checkbox"/> ASSIGNMENT | <input type="checkbox"/> APPEAL BRIEF _____ |
| <input type="checkbox"/> VERIFIED STATEMENT | <input type="checkbox"/> ISSUE FEE _____ |
| <input type="checkbox"/> FORMAL DWGS _____ PAGES | <input type="checkbox"/> CHECK NO. _____ AMT.: _____ |
| <input type="checkbox"/> INFORMAL DWGS _____ PAGES | <input checked="" type="checkbox"/> SERIAL NO. <u>09/766 422</u> |
| <input type="checkbox"/> Circle One: AMENDMENT/RESPONSE _____ | <input checked="" type="checkbox"/> OTHER <u>IDS 4/22 Regs.</u> |

NAME OF INVENTOR(S):

John P. Kelly et al.

TITLE OF INVENTION:

System for Modeling Communication Networks

CLIENT OR APPLICANT:

Mela Solv Software

B&B FILE NO.:

066576.0108

MAILED: 4/25/01

EXPRESS ☒

DUE:

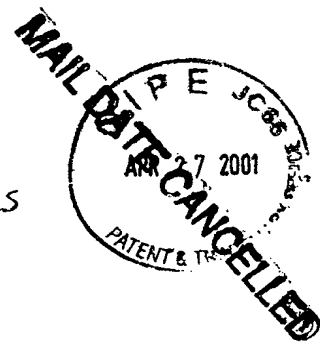
RECEIPT NO.: EL75910487065

ATTY/SECY: JDB/b

CERTIFICATE
OF MAILING ☒

HAND DELIVERED ☐

RECEIPT DATE & SERIAL NO:



BAKER BOTTS, L.L.P.

MAY - 2 2001

RECEIVED

Attorney's Docket:
066516.0108



BEST AVAILABLE COPY

PATENT
09/766,422

1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: John P. Reilly, et al.
Serial No.: 09/766,422
Filing Date: January 18, 2001
Title: SYSTEM AND METHOD FOR MODELING
COMMUNICATION NETWORKS

Assistant Commissioner
for Patents
Washington, DC 20231

Dear Sir:

INFORMATION DISCLOSURE STATEMENT

Applicants respectfully request, pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, that the reference listed on the attached PTO-1449 form be considered and cited in the examination of the above-identified patent application. Copies of these references are enclosed for the convenience of the Examiner. No representation is made that a search has been made, that these references are material to the patentability of the present application, or that these references qualify as prior art.

Applicants respectfully submit that the claims of this application are patentably distinguishable from these references.

Applicants believe that this Information Disclosure Statement has been filed before the mailing date of the first Office Action in this case. Pursuant to 37 C.F.R.

§ 1.97(b), Applicants believe that no fee is due. The Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.

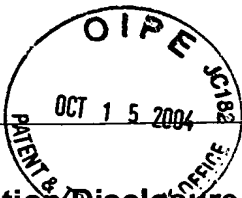


Jeffery D. Baxter
Reg. No. 45,560
Attorneys for Applicants

CORRESPONDENCE ADDRESS:

Baker Botts L.L.P.
2001 Ross Avenue, 6th Floor
Dallas, Texas 75201-2980
(214) 953-6791

Date: 4-25-01



BEST AVAILABLE COPY

Page 1 of 2

PTO-1449 Information Disclosure Citation in an Application	Application No.	Applicant(s)	
	09/766,422	John P. Reilly, et al.	
	Docket Number	Group Art Unit	Filing Date
	066516.0108		January 18, 2001

U.S. PATENT DOCUMENTS

		DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE
	A	Re. 36,444	12/14/99	Sanchez-Frank et al.	345	349	02/24/97
	B	5,276,789	01/04/94	Besaw et al.	395	140	05/14/90
	C	5,394,522	02/28/95	Sanchez-Frank et al.	395	159	09/13/93
	D	5,671,355	09/23/97	Collins	395	200.2	09/13/96
	E	5,684,967	11/04/97	McKenna et al.	395	329	09/13/95
	F	5,687,315	11/11/97	Tezuka et al.	395	200.1	11/01/94
	G	5,751,962	05/12/98	Fanshier et al.	395	200.53	12/13/95
	H	5,793,974	08/11/98	Messinger	395	200.54	06/30/95
	I	5,809,265	09/15/98	Blair et al.	395	339	01/19/96
	J	5,812,779	09/22/98	Ciscon et al.	395	200.53	02/24/97
✓	K	5,821,937	10/13/98	Tonelli et al.	345	356	08/12/96
	L	5,831,610	11/03/98	Tonelli et al.	345	335	02/23/96

FOREIGN PATENT DOCUMENTS

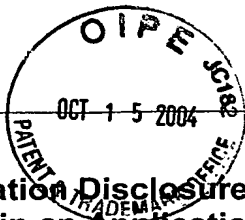
		DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	M							
	N							
	O							
	P							
	Q							

NON-PATENT DOCUMENTS

		DOCUMENT (Including Author, Title, Source, and Pertinent Pages)	DATE
	S		
	T		
	U		

EXAMINER	DATE CONSIDERED
----------	-----------------

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.



BEST AVAILABLE COPY

Page 2 of 2

PTO-1449 Information Disclosure Citation in an Application	Application No.	Applicant(s)	
	09/766,422	John P. Reilly, et al.	
	Docket Number	Group Art Unit	Filing Date
	066516.0108		January 18, 2001

U.S. PATENT DOCUMENTS

		DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE
	A	5,831,618	11/03/98	Fuji et al.	345	356	02/28/97
	B	5,838,907	11/17/98	Hansen	395	200.5	02/20/96
	C	5,889,520	03/30/99	Glaser	345	349	11/13/97
	D	5,910,803	06/08/99	Grau et al.	345	357	08/14/96
	E	5,933,601	08/03/99	Fanshier et al.	395	200.53	09/30/96
	F	5,958,012	09/28/99	Battat et al.	709	224	07/15/97
	G	5,966,128	10/12/99	Savage et al.	345	356	10/31/97
	H	6,009,466	12/28/99	Axberg et al.	709	220	10/31/97
	I	6,018,769	01/25/00	Tezuka et al.	709	220	07/16/97
	J	6,020,889	02/01/00	Tarbox et al.	345	356	11/17/97
	K						
	L						

FOREIGN PATENT DOCUMENTS

		DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
	M							
	N							
	O							
	P							
	Q							

NON-PATENT DOCUMENTS

		DOCUMENT (Including Author, Title, Source, and Pertinent Pages)	DATE
	S		
	T		
	U		

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.